



# CALIFORNIA WATER PLAN, UPDATE 2013

SEPTEMBER 13, 2012

BEGINNING THE CONVERSATION ON REGULATORY ALIGNMENT

7:30AM – 8:30 AM

## MEETING SUMMARY

### **Session Goals and Purpose:**

- Recap of the panel discussion on Regulations during the Floodplain Management Association Annual Conference
- Discuss the Challenges and Opportunities of State and Federal Agency Alignment

### **Welcome and Introductions:**

Lisa Beutler (Executive Facilitator for the California Water Plan) and Kamyar Guivetchi (Manager, DWR Division of Statewide Integrated Water Management) began the meeting with opening remarks, an agenda review, and ground rules. Introductions were done around the room for all meeting participants. Mr. Guivetchi gave background on the session, and noted that this meeting was a follow up to similar session that had taken place a week previously at the annual Floodplain Management Association Conference. He began by taking a few questions from attendees:

Question: What do you mean when using the term “alignment”?

Answer: Better consistency among both the regulators and the regulated community, and moving in a common direction.

Q: How will the work done here show up in the Water Plan?

A: It would likely tie into Volume 1. A recommendation could show up in the Implementation or Strategic Plan.

Q: Is this just water we are talking about?

A: It affects all resource management.

Comment: We all have our own silos for managing data; we need to find ways of opening those systems up in a way that is useable for the regulatory community and those that are being regulated. We can use web interfaces, and data exchanges that are open.

Response: That sounds like a potential recommendation.

### **Recap FMA Dialogue:**

Iovanka Todt (Executive Director, Floodplain Management Association) summarized the discussions from the first session on Regulatory alignment at the FMA session. She noted that the previous session contained more participants who were being regulated, while the current session had more of the regulators in attendance. Ms. Todt summarized some of the common themes from the previous meeting:

- Lack of science and data
- Regulatory agencies don't take stakeholder input in a balanced way
- Need for improved programmatic permitting
- Significant need for facilitation and mediation
- Clearer mitigation standards
- Better information sharing in and among agencies



# CALIFORNIA WATER PLAN, UPDATE 2013

SEPTEMBER 13, 2012

BEGINNING THE CONVERSATION ON REGULATORY ALIGNMENT

7:30AM – 8:30 AM

- There are success stories, and they are collaborative partnerships – but each region has to start from square one
- NGOs do have good relationships with the regulatory community, but there is a need for balanced input
- Looking for statewide guidance on integrated permitting
- Need for common definitions
- Regulatory agencies don't always have good data on species on the ground, or ecosystem information. Habitat Conservation Plans are a place to start for opportunity.
- Broader support and standardization for advance mitigation
- Inconsistent standards from Regulatory commissions like Coastal Commission.
- Facilitate mitigation banking
- Regulatory committee should develop best practices
- Need for clearly defined timelines

Ms. Todt's slides were followed with comments from the audience:

Comment: It is difficult to include a significant monitoring period after the project to measure benefits.

Comment: Turnover in regulatory staff is major issue that hurts efficiency. Also, a well-defined timeframe for completion is going to help drive the process, and keep the staff investment high.

## **Regulatory Alignment and the California Water Plan, Integrated Resource Management**

Lisa Beutler prompted discussion from the participants, noting that the goal was to move forward with a white paper on this issue.

Comment: We don't have a common base map of our water resources in California; Areas where intensification of the national map is underway do not include California. We don't have consistent definitions either. The State Water Board is moving towards this on wetlands. We need to find a way to move towards a constant statewide effort, and the Water Plan is a great place for that.

*Discussion followed about the State's efforts to produce the geo-portal, an online database to place meta-data. USGS has been involved, and DWR is a partner.*

Comment: At the California Association of Resource Conservation Districts (CARCD) we have a program that has been running for 10 years, doing local programmatic permits. Simple things like improving rural roads that are dumping sediment take years – but now time to completion has been cut to a third of what it took previously. Where we are working with regulators, they are seeing benefits to themselves, because it frees them up. Please visit the Sustainable Conservation Homepage for case studies (Action Item #1)

*Ms. Beutler noted that the Water Plan Reference guide could be used to link back to work that is being done.*



## CALIFORNIA WATER PLAN, UPDATE 2013

SEPTEMBER 13, 2012

BEGINNING THE CONVERSATION ON REGULATORY ALIGNMENT

7:30AM – 8:30 AM

Iovanka Todt asked the group for their true “wish list”, and discussion followed:

Comment: The regulated community needs to build on this, to build trust with government. If we can't do what we are already doing well, then how can the community take the next step? We need to demonstrate what works. Is there a product or white paper that is going to be circulated? (Action Item #2)

Comment: In the Strategic plan for IRWM, one of the tasks is alignment of regulations, policy, and programs - supporting and advancing IRWM. There is a lot of common interest, and maybe even a joint product with overlapping stakeholders. I believe there is a collaborative opportunity with the IRWM Strategic Plan (Action Item #3)

Comment: Everything takes money, there are sometimes parties at the table who only try to be obstructionist – how do we deal with that? You have situations where people only pursue their own agenda.

Comment: From the time I worked in the Water Board, there are far fewer of the interest groups in the Central Valley than the Bay, and that causes the regulators to step in and fill an awkward role. We piecemeal these things, so you get skewed viewpoints. If some of these could happen at the same time, you could level the playing field. Maybe there are opportunities to diagram out these different processes?

Comment: If there is a way to get the permits all reviewed at once, not having to spend three years going from agency to agency. That gets to integrated permitting...

Comment: In Santa Cruz, the integrated watershed management program brings the regulators together early in the process as part of a technical advisory group. There is a sense of buy in, and a sense of ownership that comes with that.

Comment: A single permitting application can turn into a big swirl that doesn't produce anything at all. I think that there are examples of success, like the *Inter-agency Coordination Committee* for the State Water Board – that worked well, because it was all people who specialized in work on wetlands. It was good for them to take time to agree before Stakeholders came into the process.

Response: If you look at the work on the integrated permitting process for Dairy Digesters, I think that is a good model for us to look at.

Comment: The head folks should talk, but the locals should come together and speak to each other as well. That builds the commitment to the partnership happening.

Comment: The process is an interagency coordinating committee that pulls people together to develop terms that help the whole regulatory community.

Comment: Most permitting approaches are reactive, but I am hearing that we need a more *proactive* approach. A process or method to come in at a proactive level needs to be developed, but those pathways are not there yet. Also, I think agreeing on definitions would benefit all parties involved.



# CALIFORNIA WATER PLAN, UPDATE 2013

SEPTEMBER 13, 2012

BEGINNING THE CONVERSATION ON REGULATORY ALIGNMENT

7:30AM – 8:30 AM

Comment: It sounds like we have multiple issues at different levels. About 10 years ago in Southern California they had similar issues, and involved a congressman to get a special area management plan. Three counties have these areas now, and those became a vehicle to get people involved. The state helped by centralizing data for watershed improvements. Now we have the Flood Future Report, looking at what is going on statewide in terms of flood management.

## **Wrap up and Next Steps:**

Kamyar Guivetchi closed the conversation: “When I use the term alignment, it’s where do we have discretion to do some self-organization? We are not talking to each other, and there isn’t hope for alignment unless those methods for communication and collaboration are developed under our current resource constraints. We are doing too little on the front end, and doing things over and over.”

**Adjourn.**